

### **Remarks**

In the non-final Office Action dated July 14, 2008, the following rejections are indicated: claims 1-29 and 32-34 stand rejected under 35 U.S.C. § 102(e) over the Yu reference (U.S. Pat. Pub. 2003/0061287); and claims 30-31 stand rejected under 35 U.S.C. § 103(a) over Yu in view of the Ritchie reference (U.S. Pat. Pub. 2002/0194319). Applicant respectfully traverses these rejections. In this discussions set forth below, Applicant does not acquiesce to any rejection or averment in this Office Action unless Applicant expressly indicates otherwise.

The § 102(e) rejection of claims 1-29 and 32-34 is improper because the Yu reference fails to teach or suggest all the features recited in Applicant's claims. In particular, Yu appears to provide no disclosure related to modifying a trustworthy-measure of a source node responsive to a report of a modification or corruption of an information file provided by the source node. The Office Action alleges correspondence between the claimed feature of modifying a trustworthy-measure of a source node and Yu's disclosure related to eliminating unreliable nodes (*see, e.g.*, step 138 in Fig. 3C, and paragraph 0042). Applicant submits that Yu teaches unreliable nodes are those nodes that are inaccessible to the client application downloading the file chunks, and that the elimination of such nodes is performed by the client application (*see*, paragraph 0042:1-4). As such, the determination of "unreliability" of a node is in no way related to a report that the node provided modified or erroneous data, as claimed. According to Applicant's understanding of Yu, the only response to detecting an error in a file chunk is to request that chunk from a different node (*see, e.g.*, paragraph 0043:8-10). Applicant finds nothing in Yu to teach or suggest modifying (much less determining) node trustworthiness.

For at least these reasons, Applicant submits that the § 102(e) rejection is improper because the Yu reference fails to teach or suggest all the elements of claims 1-29 and 32-34. Reconsideration and withdrawal of the rejection are requested.

Applicant submits that the § 103(a) rejection of claims 30-31 is improper because the Ritchie reference provides nothing to cure the deficiencies of the Yu reference, as noted above. Namely, Ritchie appears to include no teaching or suggestion regarding modifying a trustworthy-measure of a node in response to an error report. Moreover,

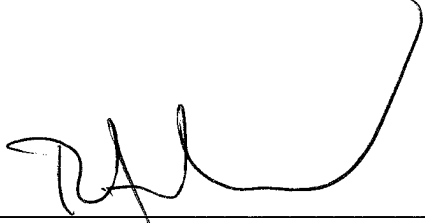
Applicant submits that there is no valid reason to modify the Yu reference as proposed. It is admitted in the Office Action that Yu fails to teach determining whether information file errors were caused during or prior to communication of the information file from the source node. However, the Office Action alleges that one of skill in the art would seek to modify Yu to provide such features based on the teachings of Ritchie, and for the purpose of enhancing node reliability. Applicant submits that Yu is unconcerned with enhancing node reliability, but rather is directed to providing multiple source nodes for downloading file chunks, and to measuring the relative bandwidth contributed by each successfully-transmitting node, for example to determine a provider fee (*see, e.g.*, Abstract). As such, there appears to be no reason why the system of Yu would have concern about determining when file errors occurred.

For at least these reasons, Applicant submits that the § 103(a) rejection of claims 30-31 is improper. Reconsideration and withdrawal of the rejection are requested.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

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